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RUEHNO/USMISSION USNATO 2704
RHMFISS/DEPT OF ENERGY WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
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TAGS: PGOV PREL PHUM KDEM KPAO OSCE KZ
SUBJECT: KAZAKHSTAN: PRESIDENT NAZARBAYEV SIGNS INTERNET LEGISLATION INTO LAW

REF: (A) ASTANA 1136
(B) ASTANA 1030
(C) ASTANA 1028
(D) ASTANA 0816
(E) ASTANA 0345

Classified by: Ambassador Richard E. Hoagland, Reasons 1.4 (b) and (d)

¶1. (SBU) The Presidential Press Service reported on July 10 that President Nazarbayev has signed pending Internet legislation into law. (NOTE: As a technical matter, this legislation amends several existing Kazakhstani laws. END NOTE.) Nazarbayev's move came despite objections and concerns raised by Kazakhstani civil society and the international community, including U.S. concerns which USOSCE outlined at several OSCE Permanent Council meetings and which the Ambassador raised publicly during a June 11 press conference in Astana (ref C) and privately in a demarche he delivered to Deputy Foreign Minister Konstantin Zhigalov on July 8 (ref A).

¶2. (U) Several Kazakhstani civil society leaders incorrectly predicted that Nazarbayev would veto the legislation or send it to the Constitutional Council for review, as he did in the case of religion legislation which the Council ultimately declared to be unconstitutional. MFA Spokesperson Yerzhan Ashibayev told the press on July 13 that there are "many points of view" about the Internet law, and maintained that it will not directly affect Kazakhstan's 2010 OSCE chairmanship. He said that the MFA "will undertake all measures to explain to our OSCE partners the current situation: that is, what occasioned the acceptance of the law."

¶3. (C) COMMENT: The Internet legislation will make all websites subject to Kazakhstan's mass media law and will provide the government with a legal basis to block and shut down websites, both foreign and domestic, that contain information "contradicting" Kazakhstani legislation -- including obscene material, extremist propaganda, and material that discloses state secrets. Based on our conversations with Kazakhstani interlocutors, we believe the legislation was specifically aimed at ex-Nazarbayev son-in-law Rakhat Aliyev and not at introducing a broader crackdown on opposition and foreign news websites. Aliyev and his associates continue to post

"kompromat" (i.e., negative, compromising material) about Nazarbayev and anti-Nazarbayev articles on a variety of websites. Talgat Kaliyev, advisor to Foreign Minister Tazhin, told us frankly on June 18 that the legislation was "all about Aliyev."

¶4. (C) COMMENT CONTINUED: We presume Nazarbayev was well aware that his signing the legislation could damage Kazakhstan's international reputation in the run up to its OSCE chairmanship -- the country's most important international leadership role since becoming independent. That Nazarbayev took this step in the end is simply further indication that he considers himself locked in an existential struggle with Aliyev which trumps all other considerations. Over the past two years, the government, without admitting to doing so, has occasionally blocked websites that posted Aliyev-generated and -related materials. (NOTE: This includes blocking for about a month in 2008 the Kazakh- and English-language websites of Radio Free Europe/Radio Liberty, which have published a number of Aliyev-related articles and interviews with Aliyev. END NOTE). In effect, the new legislation brings out into the open and legalizes what the government was already doing surreptitiously in its fight against Aliyev.

¶5. (C) COMMENT CONTINUED: The Internet legislation is now law and new legislation would be required to return to the status quo ante. At this juncture, our best approach would be to urge the Kazakhstanis to implement the legislation in a manner consistent with their OSCE commitments on freedom of speech, expression, and the press. END COMMENT.

HOAGLAND